

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

SPERRY ASSOCIATES FEDERAL  
CREDIT UNION,

Plaintiff,

-against-

CUMIS INSURANCE SOCIETY, INC.,

Defendant.

Civil Action No.:  
10-29- (DRD) (MAS)

**JOINT [PROPOSED] AMENDED  
SCHEDULING ORDER**

**THIS MATTER** having come before the Court for a scheduling conference on October 28, 2010; and for good cause shown, the dates specified in the Court's August 11, 2010 Scheduling Order are hereby modified as noted below, all other provisions of such order to remain in full force and effect.

**IT IS on this [ ] day of October, 2010,**

**ORDERED THAT:**

**I. DISCOVERY AND MOTION PRACTICE**

1. **Fact Discovery Deadline.** Fact discovery is to remain open through **May 2, 2011**. All fact witness deposition must be completed by the close of the fact discovery. No discovery is to be issued or engaged in beyond that date, except upon application and for good cause shown.
2. **Motions to Add New Parties.** Any motion to add new parties, whether by amended or third-party complaint, must be filed by **January 4, 2011**.
3. **Motions to Amend Pleadings.** Any motion to amend pleadings must be filed by **January 4, 2011**.

## II. EXPERTS

4. **Affirmative Expert Reports.** All affirmative expert reports shall be delivered by **June 15, 2011.**
5. **Responding Expert Report.** All responding expert reports shall be delivered by **August 1, 2011.**
6. **Expert Deposition.** Depositions of experts to be completed by **September 7, 2011.**
7. **Interrogatories and Requests for Production:** The parties have propounded interrogatories and request for production. Responses shall be due on **November 12, 2010.**

## III. FINAL PRETRIAL CONFERENCE

8. **Final Pretrial Conference.** A final pretrial conference shall be conducted pursuant to Fed. R. Civ. P. 16(d) on **November [ ], 2011.** The Final Pretrial Conference will occur even if there are dispositive motions pending. The Court will adjourn the Final Pretrial Conference only if the requesting party makes a compelling showing that manifest injustice would otherwise result absent adjournment.
9. **Joint Proposed Final Pretrial Order.** The original joint proposed final pretrial order shall be delivered to the chambers of the undersigned no later than **October 7, 2011.**

## IV. MISCELLANEOUS

10. **Status Conference.** There will be a telephone status conference before the undersigned on **May [ ], 2011.** **One week prior to the conference,** each party must submit a confidential memorandum to the Court via facsimile to 973-645-4412, not to exceed **2** pages, summarizing the relevant facts, the respective legal positions, status of the case, and the client's position on settlement.
11. **In-person Status/Settlement Conference.** There will be an in person status/settlement conference before the undersigned on **January [ ], 2011.** **One week prior** to this conference, each party must submit a conditional memorandum to the Court via a facsimile to 9973-645-4412, not to exceed 5 pages, summarizing the relevant facts, the respective legal positions, status of the case, and the client's position on settlement. Trial Counsel and clients with full settlement authority must attend the conference. If the trial counsel and client with full settlement authority do not appear, the settlement conference may be cancelled or rescheduled and the noncompliant party and/or attorney may be sanctioned, which may include an assessment of the costs and expenses incurred by those parties who appeared as directed.

12. **FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER OR ANY  
SUBSEQUENT SCHEDULING ORDERS ENTERED BY THIS COURT MAY  
RESULT IN SACNTIONS.**

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**Michael A. Shipp**  
**UNITED STATES MAGISTRATE JUDGE**